

HCS SCS SB 648 -- TRANSPORTATION

SPONSOR: Dempsey (Sommer)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 11 to 0.

This substitute changes the laws regarding transportation. In its main provisions, the substitute:

- (1) Allows the parent or legal guardian of a person learning to drive to designate, in writing, an individual who is at least 25 years old and has been a licensed driver for at least three years to escort or accompany the person with a temporary instruction permit;
- (2) Specifies that any person whose license is suspended due to a first conviction of driving while intoxicated or driving with blood alcohol content of .08 or more will not have his or her driver's license suspended if he or she agrees to equip his or her vehicle with an ignition interlock device, but instead will have a 90-day period of restricted driving privilege;
- (3) Specifies that any person who has a driver's license suspended for the refusal upon the request of law enforcement to submit to a test for blood alcohol content to have an ignition interlock device installed on all motor vehicles operated by the person for a period of not less than one year. The court must require any person who is found guilty or pleads guilty to an intoxication-related traffic offense to not operate any motor vehicle unless equipped with ignition interlock device for a period of not less than 90 days if convicted of a first intoxication-related traffic offense, not less than one year if convicted of a second, not less than five years if convicted of a third or fourth, and for the duration of the person's life if convicted of a fifth. A person convicted of his or her fifth intoxication-related traffic offense is eligible to have his or her restriction reviewed by the department after operating a motor vehicle equipped with an ignition interlock device in full compliance for five years. That any ignition interlock device required by these provisions to have photo identification technology and global positioning system features;
- (4) Requires the Department of Revenue to issue a special driver's license to any person required to use an ignition interlock device that signifies that the driver must not operate a vehicle that does not contain a device. Costs associated with issuing the special license or reissuing the person's regular driver's license, upon completion of the restricted driving period, are to be paid by the individual, but are not to exceed

\$50. Any person required to have this special license must have it for the duration of the restricted driving period and until the person maintains a period of 90 days without the ignition interlock device registering a level of alcohol above the level set by the department and without any reports of tampering or circumventing the device. If a violation occurs, the restricted driving period must be extended for an additional 90 days; and

(5) Changes the laws regarding towing companies operating tow trucks by:

(a) Requiring a company to be licensed by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration;

(b) Requiring a company to have and occupy a verifiable business address with the address displayed in a location visible from the street. Currently, it is only required to have and occupy a verifiable business address;

(c) Requiring the total area for storing vehicles, either inside or outside, to be at least 2,000 square feet with fencing a minimum of six feet high;

(d) Requiring the business office to maintain regular business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, for customers or their authorized agent to view or retrieve a vehicle at no additional charge during these business hours;

(e) Requiring the company to have and maintain a phone number which is published in the local phone book and accessible through directory assistance;

(f) Requiring the company to maintain liability insurance of garage coverage liability of \$1 million per occurrence with an aggregate amount of at least \$2 million, a garage keeper policy with a \$50,000 minimum, and hook and cargo insurance with a \$150,000 minimum;

(g) Requiring the company to provide a \$25,000 surety bond from a licensed Missouri business or an irrevocable letter of credit from a licensed Missouri financial institution; and

(h) Requiring tow drivers to be certified by the Towing and Recovery Association of America (TRAA) or any state or federally funded program. Beginning August 28, 2013, light-duty operators must have at least TRAA Level 1 Certification or equivalent. Beginning March 1, 2014, medium-duty operators must have at least TRAA Level 2 Certification or equivalent. Beginning August 28, 2014, a company must have at least one TRAA Level 3 certified

operator engaged in heavy-duty towing. Anyone who provides a five-year employment history with a towing or wrecking service must be exempt from these provisions.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the bill will allow an additional individual to help teach a person to drive when his or her parent gives permission.

Testifying for the bill was Senator Dempsey.

OPPONENTS: There was no opposition voiced to the committee.